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EXAMINER

ALANKO, ANITA KAREN

ART UNIT

PAPER NUMBER

1765

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/027,024

Applicant(s)

SCHNEIDER ET AL.

Examiner

Anita K Alanko

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 4/30/04 amdt & interview.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15<sup>+17</sup> is/are pending in the application.
- 4a) Of the above claim(s) 5-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. <u>0604</u> . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____.  |

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

### ***Election/Restrictions***

Applicant's election without traverse of Species A in the paper filed on 12/8/03 is acknowledged. As noted in the response, filed 4/30/04, claims 1-4 and 17 read on Species A. Claims 5-15 are withdrawn from consideration.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

*Claims 1-2 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Bauer (DE 4117127 A1), Takahashi (5,608,441) and Dauer et al (US 5,601,022).*

Bauer discloses a method of producing a printing plate comprising:

providing a thermal transfer film carrying a thermal transfer material D to a surface of a printing plate carrier A (page 8, last line – page 9, line 8 of English translation; page );

selectively ablating said thermal transfer material using a laser image-setting unit to selectively apply said thermal transfer material directly to the surface of said printing plate carrier (page 21, lines 10-15), thereby forming a mask directly on said printing plate carrier, said

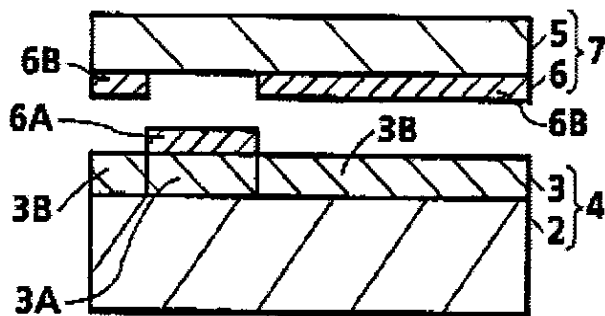
mask defining image points and non-image points directly on said printing plate carrier by covering non-image points D2, and

using said mask to produce a printing plate (see page 22, last two lines and all of page 23).

Bauer does not explicitly disclose that the thermal transfer film carrying a thermal transfer material D is in close proximity to a surface of the printing plate carrier. Bauer merely cites to use a thermal transfer process (page 21, lines 10-15) and conventional mixtures of pigments and binders for thermal transfer printing (page 11, lines 18-22).

Takahashi teaches a method of producing a printing plate (col.6, lines 29-35) comprising: providing a thermal transfer film 5 carrying a thermal transfer material 6 in proximity to a surface of a printing plate carrier 4 (Fig.3);

**FIG. 3**



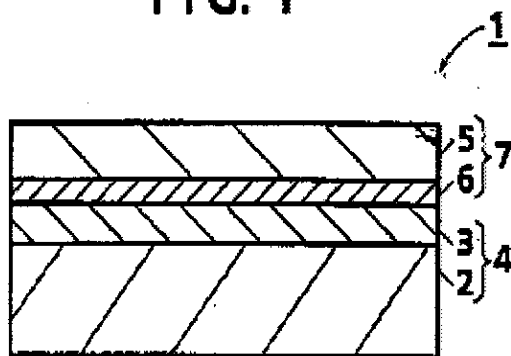
selectively ablating said thermal transfer material using a thermal head 8 to selectively apply said thermal transfer material directly to the surface of said printing plate carrier, thereby

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forming a mask directly on said printing plate carrier, said mask defining image points and non-image points directly on said printing plate carrier by covering non-image points 6A, and

using said mask to produce a printing plate.

As a useful alternative to providing a thermal transfer film 5 carrying a thermal transfer material 6 in proximity to a surface of a printing plate carrier 4, Takahashi discloses that it is known to provide the thermal transfer film in contact with the printing plate carrier 4 (Fig. 1).

**FIG. 1**

It would have been obvious to one with ordinary skill in the art to provide the thermal transfer film carrying a thermal transfer material in proximity to a surface of the printing plate carrier or in contact as taught by Takahashi in the method of Bauer because Takahashi teaches that they are known, useful alternatives for forming printing plates which are capable of recording high quality images.

As to amended claim 1, Bauer does not disclose that the method is conducted in a printing machine. Dauer teaches that the mask can be formed in a printing machine and the printing plate is produced by means of said mask in said printing machine (col.5, lines 12-20). It would have been obvious to form the mask in a printing machine in the modified method of Bauer and that the printing plate is produced by means of said mask in said printing machine

because Dauer teaches that this is useful for forming printing plates by the laser-induced thermal transfer process.

As to claim 2, Bauer discloses that the mask is useful for producing gravure printing plates (page 22, last two lines).

As to claim 17, Bauer discloses that the thermal transfer material comprises a polymeric material (page 11, lines 18-22).

*Claims 1-4 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Bauer (DE 4117127 A1), Takahashi (5,608,441) and Kesper (DE 19914323 A1) and Dauer et al (US 5,601,022).*

The discussion of modified Bauer from above is repeated here.

As to claim 3, Bauer discloses to form a gravure printing plate, but does not explicitly disclose to etch. Kesper teaches that it is conventional to etch the printing tool in order to form the final product of a gravure printing plate (page 1, second paragraph of "Description" in English translation). It would have been obvious to one with ordinary skill in the art to etch the gravure printing plate in the modified method of Bauer because Kesper teaches that this is a known, useful technique for forming the final product of a gravure printing plate. It would have been further obvious to use an acid for etching because acids are conventional etchants.

As to claim 4, the material is expected to inherently be uniform since the same method steps are performed in Bauer as in the instant invention.

***Examiner's Remarks***

In claim 1, lines 3-4, examiner interprets "in proximity to a surface" to mean that the film is at a distance from the surface, or touching the surface. Basis for the limitation that they are touching is found in the specification at page 4, lines 11-13; page 8, lines 4-5.

***Response to Amendment***

The objection to claim 1, the objection to the specification and the 112, first paragraph rejection of claim 17 are withdrawn. The claims are now rejected over of Bauer (DE 4117127 A1), Takahashi (5,608,441) and Dauer et al (US 5,601,022) and over Bauer (DE 4117127 A1), Takahashi (5,608,441) and Kesper (DE 19914323 A1) and Dauer et al (US 5,601,022).

***Response to Arguments***

Applicant's arguments, filed 4/30/04, have been fully considered, but are not persuasive. Applicant argues that there is no clear basis for base (A) in Bauer to comprise a printing plate carrier. As best determined by examiner, base A of Bauer does comprise a printing plate carrier because it is used to form a printing plate (see first sentence of translation; page 8, lines 1-3).

The passage at page 15 about peeling the carrier is one embodiment, but not necessarily the embodiment for forming cylindrical shaped objects, nor the embodiment relied upon for the rejection.

The passage at page 18 about a ready-for-sale product does not conflict with the claimed invention. Printing plate carriers that are ready-for-sale could be an intermediate step in which the mask is printed, but not yet used to form the final product.

The passage at page 22 about sending the elements to a print shop for further processing reads on the last step claim 1 which broadly cites "using said mask" but does not recite how the mask is used. The discussion of Bauer of using the mask (layer D) "for further processing" is broad, but in one embodiment it is described as a developing process (page 23, lines 2-15), which reads on claim 1 "using said mask to produce a printing plate".

As to the elected species of a gravure printing plate, applicant's specification does not clearly describe a printing plate carrier. The specification (pages 8-9) describes a printing plate cylinder or a gravure printing cylinder with surface 11 (which is equivalent to base A of Bauer) on whose surface a mask is to be created (layer D of Bauer). The specification then describes that the cylinder comprises a copper top layer (Bauer discloses that the base A may comprise copper, page 15, line 12 of translation). The distinction between a printing plate carrier and a gravure printing plate is not clear to the examiner.

Applicant argues that there is no basis for the assertion that the material D is applied directly to the surface of the carrier. In response, applicant has not cited that the carrier does not have layers. The arguments are not commensurate in scope with the claim language. The instant specification cites that several different types of layers may be present, depending on the type of printing plate, a copper top layer (gravure) or a light-sensitive coating (flexographic, screen printing screen).



Applicant argues that there is no suggestion in Bauer to conduct the process in a printing machine. This is addressed by the secondary reference applied for the rejection of claim 16, see the rejection (in Dauer note col. 2, lines 15-16 and col. 5, lines 11-15).

Applicant argues that Kesper discloses forming a chemically resistant mask on a substrate by using nozzles to selectively spray in the fashion of an ink jet printer. However, Kesper is not relied upon to teach how to form the mask, the main reference teaches that. Kesper teaches that the mask may be manufactured by known methods; Bauer is one example of how to apply a mask by laser induced thermal transfer (page 21, lines 10-15).

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita K Alanko whose telephone number is 571-272-1458. The examiner can normally be reached on Mon, Tues & Fri: 8:30 am-5 pm; Wed&Thurs: 10 am-2 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton can be reached on 571-272-1465. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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*Anita K. Alanko*

Anita K Alanko

Primary Examiner

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